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5 Attorney for Defendant THY CHANN

6 UNITED STATES DISTRICT COURT  
7 FOR THE EASTERN DISTRICT OF CALIFORNIA

8  
9 UNITED STATES OF AMERICA,  
10 Plaintiff,  
11 vs.  
12 THY CHANN,  
13 Defendant/Movant

Case No.: 2:99-CR-00433 WBS-AC

STIPULATION AND ORDER TO  
CONTINUE SENTENCING OF THY  
CHANN TO SEPTEMBER 14, 2020

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16 The parties to this action, Defendant THY CHANN, by and through appointed  
17 counsel, Lindsay Weston, and Plaintiff United States of America, by and through its attorney of  
18 record, McGregor W. Scott, United States Attorney, and Jason Hitt, Assistant United States  
19 Attorney, stipulate and request this Court order the sentencing in this matter currently set for  
20 June 29, 2020, in this Courtroom, reset to September 14, 2020, at 9:00 a.m. ECF 1836.

22 The request to continue the sentencing from June 29, 2020, to September 14, 2020,  
23 at 9:00 a.m. is made by defendant, THY CHANN. Undersigned counsel, Lindsay Weston, in the  
24 factual basis related below, represents that a continuation of the sentencing is required to allow  
25 defendant sufficient time to provide necessary information to Probation Officer Julie Besabe for  
26 the preparation of a Presentence Report. If this Court accepts the Magistrate Judge's Findings  
27  
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STIPULATION AND ORDER TO CONTINUE SENTENCING OF THY CHANN TO SEPTEMBER 14, 2020 - 1

1 and Recommendations, Counts 2, 3, 7, and 9 of the Indictment will be dismissed. ECF 1810.  
2 This Court will resentence THY CHANN on Counts 1, 6, and 8, and set the sentencing date for  
3 June 29, 2020, further ordering the United States Probation Office to prepare a Presentence  
4 Report. ECF 1834, 1836. Undersigned counsel Weston represents that many documents  
5 necessary to the defense, among others, are not available through online filing and must be  
6 obtained through Probation archives which, because of health measures in place for COVID-19,  
7 are not currently accessible. Undersigned counsel Weston further represents that THY CHANN  
8 is incarcerated in U. S. P. Coleman 1, in Wildwood, Florida, and communications of necessary  
9 legal matters is slow and made more difficult by the partial lockdowns by the Bureau of Prisons  
10 for health reasons related to COVID-19.

13 Undersigned counsel Weston represents that she spoke with THY CHANN on  
14 May 5<sup>th</sup>, 2020, and he is not opposed to a continuance of the sentencing date. United States  
15 Probation Officer Julie Besabe does not oppose the defendant's request for a new sentencing date.  
16 The parties further request that this Court, aside from setting a new sentencing date, adopt the  
17 Schedule for preparation and disclosure of the Presentence Report contained in the  
18 accompanying [Proposed] Order.

20 Dated: May 11, 2020

/s/ *LINDSAY WESTON*

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LINDSAY WESTON  
Attorney for Thy Chann

23 Dated: May 11, 2020

/s/ *JASON HITT*

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JASON HITT  
Assistant United States Attorney

## ORDER

The Court, having received, read and considered the Stipulation of the parties, and good cause appearing therefrom, adopts the Stipulation of the parties as its Order.

It is further Ordered that the Judgement and Sentencing in now set for September 14, 2020 at 9:00 a.m. in Courtroom 5 and that further the parties shall comply with Disclosure and Objections to the Presentence Report as follows:

Draft Presentence Report disclosed by:	August 3, 2020
Parties written objection to draft PSR by:	August 17, 2020
Presentence Report filed and disclosed by:	August 24, 2020
Formal Objections to PSR filed by:	August 31, 2020
Reply or Statement of Non-Opposition by:	September 7, 2020.

IT IS SO ORDERED.

Dated: May 13, 2020

William B. Shubb  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE